

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

RODERICK GUNN,

Defendant.

**ORDER DENYING MOTION TO  
DISMISS**

03 Crim. 1277 (AKH)


ALVIN K. HELLERSTEIN, U.S.D.J.:

Defendant moves to dismiss his case for lack of jurisdiction, alleging that there was no valid indictment nor valid Rule 7(b) waiver of indictment in this case. In a court proceeding on October 23, 2003, however, Defendant Gunn was arraigned on the Information and indicated to the Court that he had knowingly, intelligently, and voluntarily waived his right to an indictment. *See* Order Denying Defendant's Motion to Vacate, ECF No. 81 (quoting from the transcript of the October 23, 2003 court proceeding).

Defendant's motion to dismiss is denied. The Clerk shall terminate the motion, ECF No. 108.

SO ORDERED.

Dated: October 22, 2024  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge